



Express Mail No.: EV 335 858 614 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Friend et al.

Confirmation No.: 3869

Application No.: 09/220,142

Group Art Unit: 1631

Filed: December 23, 1998

Examiner: A. Marschel

For: METHODS OF CHARACTERI-
ZING DRUG ACTIVITIES USING
CONSENSUS PROFILES

Attorney Docket No.: 9301-035-999

FEE TRANSMITTAL FOR TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$55.00 (small entity). Please charge the required fee to Jones Day Deposit Account No. 16-1150. A copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Date: February 4, 2004

Adriane M. Antler 32,605
Adriane M. Antler (Reg. No.)
JONES DAY
222 E. 41st Street
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02/12/2004 LWONDIH1 00000056 161150 09220142

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TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Your Petitioner, **Rosetta Inpharmatics LLC**, is the assignee of the entire right, title and interest in and to the above identified application by virtue of an assignment effectively dated December 1, 2002. The assignment is being submitted for recordation in the United States Patent and Trademark Office in connection with the above-identified application on February 3, 2004. A copy of the Assignment is attached hereto as Exhibit A.

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Patent No. 6,203,987 B1 which issued on March 20, 2001. The entire right, title, and interest in and to U.S. Patent No. 6,203,987 B1 is also assigned to Rosetta Inpharmatics LLC, by virtue of the Assignment attached hereto as Exhibit A, which is being submitted for recordation in connection with U.S. Patent No. 6,203,987 B1 on February 3, 2004. Petitioner hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,203,987 B1.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,203,987 B1 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

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Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of **Rosetta Inpharmatics LLC**.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 3rd day of February, 2004.

Rosetta Inpharmatics LLC

By: 

Name: Alan Sachs

Title: Senior Vice President